

# *United States District Court*

for

*District of Guam*

## **Report for Modifying the Conditions or Term of Supervision with Consent of the Offender**

(Probation Form 49, Waiver of Hearings is Attached)

Name of Offender      **Randall W. Fulcher Jr.**

Case Number: **CR 03-00106-001**

Name of Sentencing Judicial Officer:    John C. Coughenour

Date of Original Sentence:      August 5, 2004

Original Offense:      Conspiracy to Distribute Controlled Substances, in violation of Title 21, United States Code, Section 846.

Original Sentence:      Time served followed by three years supervised release to include participation in a program approved by the U.S. Probation Office for substance abuse, which may include testing to determine whether the defendant has reverted to the use of drugs or alcohol, perform 300 hours community service, and pay a \$100 special assessment fee. On **November 19, 2004 supervised release was revoked** and the defendant was sentenced to serve 90 days imprisonment. The 90 imprisonment sentence was stayed for a period of 90 days provided that the defendant was compliant with conditions of supervised release, and the order to perform 300 hours of community service was removed. On **February 23, 2005 supervised release was revoked** and the defendant was sentenced to 90 days imprisonment with 33 months of supervised release to follow. On **July 7, 2006, conditions were modified** to include performance of 300 hours of community service.

Type of Supervision:      Supervised Release

Date Supervision

May 23, 2005

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### **PETITIONING THE COURT**

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To extend the term of supervision      years, for a total term      years.

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To modify the conditions of supervision as follow

1. The defendant agrees to convert 100 hours of community service to a fine at a rate of \$5.15 hourly for a total of \$515.00.
2. The defendant further agrees to make a minimum monthly fine payment of \$150.00
3. The defendant shall participate in the home detention component of the home confinement program for a period of one month, and abide by all the requirements of the program which will include electronic monitoring. The defendant is to pay all or part of the costs of the program based on his ability to pay as determined by the probation officer. The defendant is to be restricted to his residence at all times except for employment; education; religious service; medical; substance abuse or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the probation officer.

CAUSE

On January 13, 2007, Randall Fulcher was observed U.S. Probation Officer Maria Cruz consuming alcohol at a concert held at the University of Guam field house. Mr. Fulcher later admitted that he consumed beer that evening.

On February 3, 2007, Mr. Fulcher tested presumptive positive for the use of marijuana. The specimen was sent to the laboratory for confirmation testing and was confirmed positive for the use of marijuana. Additionally, tests conducted on May 4, 21, 25 and 29, 2007 were presumptive positive for the use of marijuana. Mr. Fulcher admitted that the positive test results were from his use of marijuana on May 5, 2007.

Mr. Fulcher is employed on a full time basis as a laborer. Additionally, he is satisfactorily adjusting to substance abuse treatment program.

It is respectfully requested that the Court modify the conditions of supervised release, pursuant to 18 U.S.C. § 3583(e)(2). Attached is the Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision, with Mr. Fulcher's consent to the modification.

Reviewed by:



/s/ CARMEN D. O'MALLAN  
U.S. Probation Officer Specialist  
Supervision Unit Leader

Date: November 21, 2007

Respectfully submitted,



by: /s/ GRACE D. FLORES  
U.S. Probation Officer

Date: November 21, 2007

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**THE COURT ORDERS**

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No Action

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The Extension of Supervision as Noted Above.

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The Modification of Conditions as Noted Above.

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Other

Issuance of a:

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Summons

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Warrant

# *United States District Court*

for

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## **Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

1. That the defendant agrees to convert 100 hours of community service to a fine at a rate of \$5.15 hourly for a total of \$ 515. 00.
2. The defendant further agrees to make a minimum monthly fine payment of \$150.00.
3. The defendant shall participate in the home detention component of the home confinement program for a period of one months, and abide by all the requirements of the program which will include electronic monitoring. The defendant is to pay all or part of the costs of the program based on his ability to pay as determined by the probation officer. The defendant is to be restricted to his residence at all times except for employment; education; religious service; medical; substance abuse or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the probation officer.

Witness:

  
Grace D. Flores

U.S. Probation Officer

Signed:



Randall W. Fulcher Jr.

Probationer or Supervised Releasee

5-23-07

Date